

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker et al.)
)
 For: METHOD AND APPARATUS) Examiner: Not Yet Assigned
 FOR FACILITATING THE)
 PLAY OF FRACTIONAL)
 LOTTERY TICKETS)
 UTILIZING POINT-OF-SALE)
 TERMINALS)
)
 Serial No.: 09/045,036) Group Art Unit: 3642
)
 Filing Date: March 20, 1998) Docket No.: WD2-97-558



Assistant Commissioner for Patents
 Washington, D.C. 20231

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INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent No. 4,723,212 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to Thomas Mindrum et al. on February 2, 1988.
- B. U. S. Patent No. 4,908,761 entitled "SYSTEM FOR IDENTIFYING HEAVY PRODUCT PURCHASERS WHO REGULARLY USE MANUFACTURERS' PURCHASE INCENTIVES AND PREDICTING CONSUMER PROMOTIONAL BEHAVIOR RESPONSE PATTERNS", issued to Roland Tai on March 13, 1990.
- C. U.S. Patent No. 4,973,952 entitled "SHOPPING CART DISPLAY SYSTEM", issued to John Malec et al. on November 27, 1990.
- D. U.S. Patent No. 5,128,862 entitled "CUSTOMER OPERABLE SYSTEM FOR A RETAIL STORE OR FAST-FOOD RESTAURANT HAVING PLURAL ORDERING STATIONS", issued to Raymond J. Mueller on July 7, 1992.
- E. U. S. Patent No. 5,132,914 entitled "FOOD PREPARATION SYSTEM AND METHOD", issued to Robert L. Cahlander et al. on July 21, 1992.
- F. U. S. Patent No. 5,172,328 entitled "FOOD PREPARATION SYSTEM AND METHOD", issued to Robert L. Cahlander et al. on December 15, 1992.
- G. U. S. Patent No. 5,173,851 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS IN RESPONSE TO THE PURCHASE OF ONE OR MORE PRODUCTS", issued to George W. Off et al. on December 22, 1992.
- H. U. S. Patent No. 5,192,854 entitled "SYSTEM FOR ELECTRONICALLY RECORDING AND REDEEMING COUPONS", issued to Reginald D. Counts on March 9, 1993.

- I. U. S. Patent No. 5,201,010 entitled "METHOD AND SYSTEM FOR BUILDING A DATABASE AND PERFORMING MARKETING BASED UPON PRIOR SHOPPING HISTORY", issued to David W. Deaton et al. on April 6, 1993.
- J. U. S. Patent No. 5,245,533 entitled "MARKETING RESEARCH METHOD AND SYSTEM FOR MANAGEMENT OF MANUFACTURER'S DISCOUNT COUPON OFFERS", issued to Robert Marshall on September 14, 1993.
- K. U. S. Patent No. 5,302,811 entitled "A POINT OF SALE APPARATUS INCLUDING A DEPOSITING/WITHDRAWING APPARATUS", issued to Kunio Fukatsu on April 12, 1994.
- L. Abstract of European Patent No. 512413 entitled "IDENTIFYING USERS COUPONS – BY MARKING SET OF STAMPS WITH CODE THAT IDENTIFIES PARTICULAR USER AND THEN SECURING STAMPS ON EACH COUPON THAT USER EXCHANGES", issued to R. H. Savin on November 11, 1992.
- M. Abstract of Japanese Patent No. 5242363 entitled "METHOD FOR COLLECTING FINAL CONSUMER'S PURCHASING INFORMATION", issued to Inokuchi Keiji on September 21, 1993.
- N. Abstract of European Patent No. 9735441 entitled "DATA DISTRIBUTION AND ACQUISITION SYSTEM WITH INCENTIVE INFORMATION AVAILABLE VIA MEDIUM – HAS INCENTIVE COUPON DATA PROVIDED TO USER PERSONAL COMPUTER VIA RADIO OR NETWORK AND PRINTED INTO COUPONS AFTER DATA INPUT WITH USAGE REPORTS IS FORMED", issued to M. W. Walden on September 25, 1997.

- O. PCT Publication No. WO 97/50064 entitled ELECTRONIC COUPON DISPENSING SYSTEM"" issued to Jack T. West on December 31, 1997.
- P. Louise Cook, "Consumer Watch: Clip, Snip, Save", The Associated Press, March 12, 1984, Monday PM Cycle,
- Q. "Coupons Get Serious; Supermarkets Use Barcodes to Prevent Misredemptions", Chain Store Age Executive with Shopping Center Age, October 1992, Volume 68; No. 10 at p. 68; ISSN: 0193-1199.
- R. U. S. Patent No. 5,353,218 entitled "FOCUSED COUPON SYSTEM", issued to James P. DeLapa et al. on October 4, 1994.
- S. U. S. Patent No. 5,353,219 entitled "SUGGESTIVE SELLING IN A CUSTOMER SELF-ORDERING SYSTEM", issued to Raymond J. Mueller et al. on October 4, 1994.
- T. U. S. Patent No. 5,380,991 entitled "PAPERLESS COUPON REDEMPTION SYSTEM AND METHOD THEREOF", issued to Luis Valencia et al. on January 10, 1995.
- U. U. S. Patent No. Re. 34,915 entitled "PAPERLESS SYSTEM FOR DISTRIBUTING, REDEEMING AND CLEARING MERCHANDISE COUPONS", issued to Steve Nichtberger et al. on April 25, 1995.
- V. U. S. Patent No. 5,481,094 entitled "POINT-OF-SALE TERMINAL", issued to Hiroshi Suda on January 2, 1996.
- W. U. S. Patent No. 5,510,979 entitled "DATA PROCESSING SYSTEM AND METHOD FOR RETAIL STORES", issued to Martin J. Moderi et al. on April 23, 1996.

- X. U. S. Patent No. 5,581,064 entitled "AUTOMATED COUPON PROCESSING SYSTEM EMPLOYING COUPON WITH IDENTIFYING CODE AND CHOSEN SECOND IDENTIFYING CODE UNIQUELY IDENTIFYING THE COUPON", issued to Roger K. Riley et al. on December 3, 1996.
- Y. U. S. Patent No. 5,602,377 entitled "BAR CODE DATAFORM SCANNING AND LABELING APPARATUS AND METHOD", issued to William E. Beller et al. on February 11, 1997.
- Z. U. S. Patent No. 5,612,868 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to George W. Off et al. on March 18, 1997.
- AA. U. S. Patent No. 5,620,079 entitled "COIN COUNTER/SORTER AND COUPON/VOUCHER DISPENSING MACHINE AND METHOD", issued to Jens H. Molbak on April 15, 1997.
- BB. U. S. Patent No. 5,621,640 entitled "AUTOMATIC PHILANTHROPIC CONTRIBUTION SYSTEM", issued to Bertram V. Burke on April 15, 1997.
- CC. Joseph Bonnici, David P. Campbell, William B. Fredenberger, Kathryn H. Hunnicutt; "Consumer Issues in Coupon Usage; An Exploratory Analysis", Journal of Applied Business Research, Winter 1996/1997, Vol. 13, No. 1 at p. 31-40; ISSN: 0892-7626.
- DD. Jim Kirk, "Digital Promotions Make Quick Point – McDonald's Testing New Technology on its Menus", Chicago Tribune, December 26, 1997 at p. 1-2.
- EE. U. S. Patent No. 5,665,953 entitled "SELF-CONTAINED PERSONAL DATA COLLECTOR FOR REDEEMING COUPONS", issued to Anthony Mazzamuto et al. on September 9, 1997.

- FF. U. S. Patent No. 5,724,886 entitled "COOKED FOOD STAGING DEVICE AND METHOD", issued to Henry T. Ewald et al. on March 10, 1998.
- GG. "Progressive Introduces Kitchen Display System (KDS) for Restaurants", PR Newswire, January 23, 1998, Financial News Section.
- HH. Adam Blair, "JICC Coupon Guide Recommends Upgrades at Front End", Supermarket News, February 9, 1998 at p. 23; ISSN" 0039-5803.
- II. "From Our Family To Yours...5 Weeks of Coupon Values for a Variable Customer", Wakefern Food Corporation, February 1998.
- JJ. "U.P.C. Coupon Code Guidelines Manual – Section...", Uniform Code Council, Inc., (<http://www.uc-council.org/d31-3.htm>), download date: March 12, 1998.
- KK. "Advanced Mechanics Internet Specials", Advanced Mechanics, (<http://www.metroplexweb.com/advcpn2.htm>), download date: March 12, 1998.
- LL. Mark Hamstra, "'Made-for-you' maneuvers signal competitive shift in QSR category", Nations Restaurant News, April 13, 1998, 3 pgs.
- MM. "New Wave Marketing", Promotion Times an SCA Quarterly Newsletter, April 1998.
- NN. Universal Holding Cabinet Rollout Program Brochure, H&K Dallas Inc., Winter 1998.
- OO. NCR 7453 PC-Based Point-of-Sale Solution Brochure, NCR, Winter 1998.
- PP. "POSitive Input; The McDonald's POS-3 System Newsletter from Olivetti Solutions", McDonald's, Spring/Summer Edition 1998, 8 pgs.

- QQ. "It's In The Bag. Introducing the Universal Holding Cabinet From Welbilt", Frymaster, 1998 brochure.
- RR. "Introducing the Digital MenuBoard", Siren Technologies, brochure.
- SS. "For the Crew & the Customer – The Best Drive-Thru & Grill Service", Olivetti, brochure.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
08/946508	Walker et al.	10/7/97	2761	
09/083689	Walker et al.	5/21/98	2761	
09/076409	Walker et al.	5/21/98	2761	
09/083483	Walker et al.	5/22/98	2761	
09/085424	Walker et al.	5/27/98	1773	
09/107971	Walker et al.	6/30/98	3642	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. ☐ I hereby certify:

- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

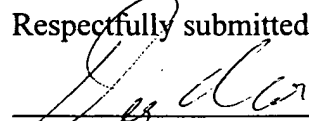
11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

January 21, 1999
Date

Respectfully submitted,



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